

**ENTERED**

Nathan Ochsner, Clerk

Civil Action No. 4:23-cv-00928

## ORDER STAYING CASE AND TERMINATING MOTIONS

On January 27, 2025, the Court convened a status conference to address the progress of this putative class action suit. Plaintiff previously filed a motion for class certification (Dkt. 54), for which the parties have requested a hearing. In addition, Defendant James McClenny recently filed a motion for summary judgment (Dkt. 127). But the parties also debated whether the scheduling order should be modified, and additional discovery permitted, given the procedural history of this case.

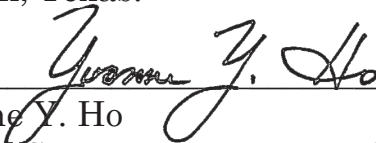
At the conference, the parties acknowledged that the impending decision in *Pohl v. Cheatham*, No. 23-0045 (Tex. Jan. 19, 2023), which was orally argued

on October 2, 2024, could materially impact the disposition of this case. In particular, a holding that the anti-barratry statute cannot apply to clients solicited outside of Texas would likely foreclose Plaintiff's claims.

Given the potentially dispositive impact of the *Pohl* case, the interests of conserving judicial and party resources favor issuing a stay of this case until the Supreme Court of Texas issues its decision. It is therefore **ORDERED** that all remaining deadlines in this case (Dkt. 37) are **STAYED** until further notice, and all pending motions (Dkt. 54; Dkt. 127) are administratively **TERMINATED** without prejudice to being reinstated. This stay is likewise without prejudice to any party requesting leave to conduct further discovery once the stay is lifted.

It is further **ORDERED** that each party must submit a letter brief, with no more than five pages, alerting this Court of the *Pohl v. Cheatham* decision within 14 days of its issuance and explaining the party's position regarding the decision's ramifications for this suit. Thereafter, the Court will set a status conference to address remaining steps and set new deadlines for the joint pretrial order, docket call, and trial.

Signed on January 27, 2025, at Houston, Texas.

  
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Yvonne Y. Ho  
United States Magistrate Judge